

# Notice of Allowability

Application No.

10/614,064

Examiner

EDMUND H. LEE

Applicant(s)

DESCHAMPS ET AL.

Art Unit

1732

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to response to restriction requirement filed 2/15/07.
2. ☒ The allowed claim(s) is/are 1-11.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 7/8/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

**In the title:**

The phrase “, and the products thereof” has been deleted.

**In the claims:**

- |              |  |
|--------------|--|
| Cl 1, ln 2:  | a colon --:-- has been inserted after “steps of”.        |
| Cl 1, ln 4:  | a semicolon --;-- has been inserted after the last word. |
| Cl 1, ln 5:  | a semicolon --;-- has been inserted after the last word. |
| Cl 1, ln 7:  | a semicolon --;-- has been inserted after the last word. |
| Cl 1, ln 8:  | a semicolon --;-- has been inserted after the last word. |
| Cl 1, ln 9:  | a semicolon --;-- has been inserted after the last word. |
| Cl 1, ln 12: | a semicolon --;-- has been inserted after the last word. |
| Cl 1, ln 13: | a semicolon --;-- has been inserted after the last word. |
| Cl 1, ln 15: | a semicolon --;-- has been inserted after the last word. |
| Cl 1, ln 16: | a semicolon --;-- has been inserted after the last word. |
| Cl 1, ln 17: | a semicolon --;-- has been inserted after the last word. |
| Cl 1, ln 18: | a semicolon --;-- has been inserted after the last word. |

Art Unit: 1732

CI 1, ln 19: a semicolon --;-- has been inserted after the last word.

CI 1, ln 20: a semicolon --;-- has been inserted after the last word.

CI 1, ln 22: a semicolon --;-- has been inserted after the last word.

CI 1, ln 22: the phrase --to produce a formed material-- has been inserted after "compressed".

CI 1, ln 23: a semicolon --;-- has been inserted after the last word.

CI 1, ln 24: a semicolon --;-- has been inserted after the last word.

CI 1, ln 25: a semicolon --;-- has been inserted after the last word.

CI 1, ln 26: a semicolon --;-- has been inserted after the last word.

CI 1, ln 27: the word --formed-- has been inserted after "inspecting said"; and the word "it" has been changed to --said formed material--.

CI 10, ln 1: the phrase "such as" has been changed to --comprising--.

CI 10, ln 5: the phrase --on said formed material--.

CI 11, ln 1: the word "products" has been changed to --product--; and the word "comprise" has been changed to --comprises--.

CI 11, ln 2: the phrase --one of-- has been inserted after "at least".

Non-elected without traverse claims 12-18 have been canceled.

2. The following is an examiner's statement of reasons for allowance: the prior art of record neither teaches nor renders obvious all of the claimed process limitations including separating the particles into three sizes; returning the largest particles to the comminutor; weighing a predetermined quantity of each of the two smaller sizes of

Art Unit: 1732

particles as a second means to control thickness; combining the two predetermined quantities into a charge; and charging a mold with the charge.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents show the state of the art: CA 2190538; and USPNs 4189238 and 7052635.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 571.272.1204. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571.272.1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1732

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EDMUND H. LEE  
Primary Examiner  
Art Unit 1732

EHL



4/18/07